

## REMARKS

Claims 7-12 remain in the present application. The Examiner has acknowledged that claims 9-12 are directed to allowable subject matter.

In the Office Action dated October 19, 2004, the Examiner rejected, in particular, independent claim 7 of the present application under 35 U.S.C. §102(e) as being clearly anticipated by U.S. Patent No. 6,404,765 to Bernstein et al. For the following reasons, Applicants respectfully traverse the Examiner's rejection and respectfully request the withdrawal thereof.

First of all, Applicants wish to point out that independent claim 7 of the present application has been amended so as to include the method step, "providing that each of the substructure elements include both a cell header and a useful data area." Moreover, the step of "inserting, via the transmitting conversion device, the substructure elements into data packets unchanged" has been amended so as to include "wherein the substructure elements may be inserted into the data packets in an arbitrary order."

Applicants respectfully submit that the Bernstein reference does not, in fact, teach or suggest substructure elements having both a cell header and a useful data area. Conversely, the Bernstein reference merely discloses a method whereby time slot-oriented data are inserted into data packets (ATM cells). The associated substructure elements (the channels  $AD_1, \dots, AD_{16}$  of the time slot-oriented data format) only have a useful data field, not a cell header. Accordingly the substructure elements as disclosed by Bernstein must be inserted into the data packets in a rigidly prescribed order (see, for example, Figure 3, 6A, 6B). Pursuant to the method of the present invention, however, given the existence of a header cell in each substructure element, it is possible to insert the substructure elements into the data packets in an arbitrary order.

In light of the above, Applicants respectfully submit that independent claim 7 of the present application, as well as claims 8-12 which respectfully depend therefrom, are both novel and non-obvious over the art of record. Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

It is further submitted that no fees are due in connection with this response at this time. However, if any fees are due in connection with this application as a whole, the Examiner is

authorized to deduct said fees from Deposit Account No.: 02-1818. If such a deduction is made, please indicate the attorney docket number (0112740-177) on the account statement.

Respectfully submitted,

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